

## REMARKS

This is a full and timely response to the outstanding final Office Action mailed January 26, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - U.S.C. § 102**

#### **A. Rejection of Claims 1, 2, 4, 5, 7, and 8**

Claims 1, 2, 4, 5, 7, and 8 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Morimoto, et al. ("Morimoto," U.S. Pat. Application Publication No. 2002/0035467). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Morimoto reference. Referring first to independent claim 1, Applicant recites (emphasis added):

1. A method for operating a disk drive, comprising:  
*detecting insertion of a disk* within the disk drive;  
reading contents of the disk; and  
*automatically storing a copy of the disk contents* in a designated location within memory as a back-up version *such that a back-up copy of the disk contents is automatically created in response to detected disk insertion.*

As was noted in the previous Response, Morimoto does not teach “automatically storing a copy of the disk contents . . . such that a back-up copy of the disk contents is automatically created in response to detected disk insertion.”

In response to this point, the Office Action now states that Morimoto teaches “detecting insertion of a disk” in paragraph 0053, lines 8-11, which provides:

Moreover, the main CPU 101 automatically recognizes the type of peripheral (FDD 3b in FIG. 3) connected to the connector 3a and conducts data communication with such peripheral.

As a first matter, Applicant notes that the above excerpt does not disclose “detecting insertion of a disk”, as is alleged in the Office Action. Instead, the excerpt discloses automatically recognizing a type of peripheral (e.g., a floppy disk *drive*) that is already connected to the CPU. Therefore, as was expressed in the previous Response, Morimoto says nothing about “detecting insertion of a disk” as is required by claim 1.

Furthermore, and perhaps even more significant, Morimoto is silent as to when or for what reason a “backup” is performed. As was identified by the Examiner in the first Office Action, Morimoto only discloses the following in regard to performing a backup:

The FDD 3b, for instance, is used for storing the data of the backup memory in a floppy disk or for copying the data of the floppy disk in the backup memory. (Morimoto, paragraph 053, last 5 lines)

As vague as the above excerpt is, Morimoto could be discussing a backup procedure that is manually initiated by the user. Regardless, the excerpt clearly fails to teach or suggest “automatically storing a copy of the disk contents . . . *such that a back-up copy of the*

*disk contents is automatically created in response to detected disk insertion*” (emphasis added). The Examiner has not addressed this issue.

Referring next to claim 2 that depends from claim 1, Applicant again notes that Morimoto does not teach or suggest “automatically storing a new version of data in the designated location when a user stores a new version of data to the disk.” Again, although Morimoto provides a vague reference to “backup,” Morimoto is silent as to the context in which such a backup occurs (e.g., manual, automatic, etc.).

With reference next to independent claim 4, Applicant recites (emphasis added):

4. A computing device, comprising:  
a processing device;  
a disk drive; and  
memory including a disk back-up controller that is ***configured to automatically store a copy of contents of a disk in response to the disk being inserted into the disk drive***, the disk contents being stored in a designated location within memory.

In view of the discussion provided above in relation to claim 1, it is clear that Morimoto does not teach or suggest a back-up controller that is “configured to automatically store a copy of contents of a disk in response to the disk being inserted into the disk drive.” Claim 4, and its dependents, are allowable over Morimoto for at least this reason.

Referring to claim 5, which depends from claim 4, Applicant notes that Morimoto does not teach a component configured to “automatically store a new version of data in the designated location when a user stores a new version of data on the disk.” Applicant refers the Examiner to the discussion of claim 2 provided above.

For at least the reasons provided above, Morimoto does not anticipate Applicant's claims. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

**B. Rejection of Claims 9, 12, 13, and 16-19**

Claims 9, 12, 13 and 16-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Arons, et al. ("Arons," U.S. Pat. No. 6,529,920). Applicant respectfully traverses this rejection.

Referring first to independent claim 9, Applicant recites:

9. A method for operating a *floppy disk drive*, comprising:  
detecting a shut down procedure of the computing device; and  
transmitting an ejection command to the disk drive to cause an  
ejection mechanism of the disk drive to actuate to eject a *floppy disk*  
inserted within the disk drive.

Applicant again notes that nowhere in the Arons disclosure is a "floppy disk" or a "floppy disk drive" described. The office action has not addressed this issue. In view of at least that shortcoming, Arons cannot anticipate Applicant's claim 9.

Applicant further notes for the record that automatic ejection of a floppy disk would not have been obvious to a person having ordinary skill in the art in view of Arons' teachings given that automatic ejection of a compact disc is distinct from automatic ejection of a floppy disk. Specifically, compact disc drives conventionally comprise automatic ejection mechanisms. Known floppy disk drives, on the other hand, only eject their floppy disks when manually actuated by a user with a manual ejection

mechanism. Neither Arons nor the prior art of record provide a teaching of an automatic ejection mechanism for a floppy disk drive.

Independent claims 12 and 18 also explicitly recite a “floppy disk” and a “floppy disk drive.” In view of this fact, claims 12 and 18 are allowable over Arons for at least the same reasons as claim 9 is allowable over Arons.

Applicant further notes in regard to dependent claim 19 that Arons says nothing about an ejection mechanism for a floppy disk drive that comprises “electromechanical components that actuate upon application of an appropriate actuation voltage”, as is required by that claim.

## **II. Claim Rejections - 35 U.S.C. § 103(a)**

### **A. Rejection of Claims 3 and 6**

Claims 3 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Morimoto in view of Arons. Applicant respectfully traverses this rejection.

As is noted above, Morimoto fails to teach or suggest the limitations of independent claims 1 and 4, from which claims 3 and 6 depend. Given that Arons does not remedy the deficiencies of Morimoto, claims 3 and 6 are allowable over Morimoto/Arons for at least the same reasons that claims 1 and 4 are allowable over Morimoto.

### **B. Rejection of Claims 10, 11, 14, and 15**

Claims 10, 11, 14, and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Arons in view of Morimoto. Applicant respectfully traverses this rejection.

As is noted above, Arons fails to teach or suggest the limitations of independent claims 9 and 12 from which claims 10, 11, 14, and 15 depend. Given that Morimoto does not remedy the deficiencies of Arons, claims 3 and 6 are allowable over Arons/Morimoto for at least the same reasons that claims 9 and 12 are allowable over Arons.

As a further matter, Applicant notes that neither Arons nor Morimoto teach or suggest “detecting insertion of a disk within the disk drive and, in response, automatically storing a copy of the disk contents in a designated location within memory” as provided in claim 10, “automatically storing a new version of data in the designated location when a user stores a new version of data on the disk” as provided in claim 11, “a disk back-up controller configured to automatically store a copy of disk contents in a designated location within memory as a back-up version when insertion of a disk into the disk drive is detected” as provided in claim 14, or that the “is further configured to store a new version of data in the designated location when a user stores a new version of data on the disk” as provided in claim 15. Applicant refers to the discussion of Morimoto provided above in relation to claims 1 and 4.

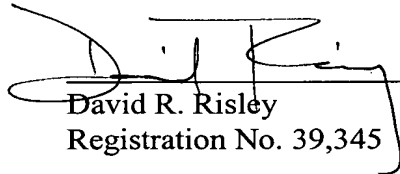
### **III. New Claims**

As identified above, claims 20-23 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

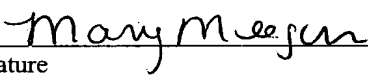
### CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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2-22-05  
  
Signature